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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,893	05/27/2005	Adrian G. Cornejo	27263.00	2477
37833 7590 05/07/2010 LITMAN LAW OFFICES, LTD. POST OFFICE BOX 41200 SOUTH STATION ARLINGTON, VA 22204				
EXAMINER AN, SHAWN S				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 05/07/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,893

Applicant(s)

CORNEJO, ADRIAN G.

Examiner

SHAWN AN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-7 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. As per Applicant's instruction as filed on 9/02/09, claims 3-7 have been newly added.
2. Restriction to one of the following inventions (groups) is required under 35 U.S.C. 121:
 - I. **Claims 1-2** drawn to the kind of monitor which use the solid graphic display technique to generates (should be spelled as "generate") spatial images on a set or block of multiple screens paced as overlapped multi-layers, characterized by:
 - generating three dimensional video images in color using a single block of overlapped color screens, where said single block of screens can have a fiat or curved shape, or combination of both shapes, which only depends on the shape of the material with which said overlapped block of screens is constructed; and
 - the color screens which comprise the block are illuminated with only one light source in common placed in the rear of the block of screens, that is, behind the more distant screen from the viewer, in order to illuminate simultaneously and homogeneously all the screens from the depth of the kind of monitor and through all the screens, classified in class 348, subclass 59;
 - II. **Claims 3-7** drawn to a solid graphic display device, which is featured by:
 - to generate stereoscopic three dimensional images on a block comprising by several overlapped transparent LCD screens at color, as overlapped layers;
 - to generate the stereoscopic three dimensional colored video images on only one block of such overlapped LCD screens device at color;
 - the block of overlapped screens at color which can be fiat or curve shaped, or a combination of those shapes, which is only depending upon the shaping of the material used to construct such a block of overlapped screens;

said block of overlapped screens is illuminated with a light source located at the back plane, standing at the rear of the most distant screen from the viewer, in order to homogeneously light at the same time in all the screens; and

to have only one color filter over the screen more closed to the viewer, or one color filter over each LCD screen, in order to display stereoscopic colored video images on said overlapped screens device, classified in class 348, subclass 51.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions of Groups I and II as represented above are directed to related fields of endeavor. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed meet all of the above distinct criteria(s). Furthermore, there is nothing of record to show them to be obvious variants.

Restriction for examination purposes as indicated is proper because inventions listed in this action are independent or distinct for the reasons given above and there would be an extra search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

(f) the prior art searching of diverse/different classifications and a prosecution of all of the currently pending claims as above would be an additional burden based on two distinct (independent) Groups/Inventions and the limited amount of time allocated/given for the examination process and/or prosecution of each application;

(g) two distinct (independent) Groups/Inventions, wherein each of the Groups has diverse elements between its respective drawings/figures, wherein one Group of embodiment is not deemed obvious over any other Groups of embodiments identified; and

(h) a reasonable search for one Group/Inventions does not necessarily encompass/cover other Group(s)/Inventions corresponding to other set of claims.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn An* whose telephone number is (571) 272-7324. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418.
5. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHAWN AN/

Primary Examiner, Art Unit 2621

5/06/10